

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
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United Methodist Church of Estes Park
1509 Fish Hatchery Road
Estes Park, CO 80517

Re: KREV-LP, Estes Park, CO
Facility ID No. 131930
United Methodist Church of Estes Park
File No. BPL-20110914AAP

Dear Applicant:

This letter refers to the above-captioned application for a minor change and the request for waiver of the second adjacent channel spacing rules.

Waiver Request

In the application, United Methodist Church of Estes Park ("UMC") proposes to re-locate station KREV-LP on Channel 284L1 creating a second adjacent channel short-spacing to the license (BLH-19901023KB) for station KXKL-FM, Denver, CO. UMC states that KREV-LP will be losing its transmitter site and is requesting waiver of the second adjacent spacing rules even though the station is not being displaced.

Discussion

On December 11, 2007, the Federal Communications Commission released *Creation of a Low Power Radio Service*, Third Report and Order and Second Further Notice of Proposed Rulemaking.¹ The *Third Report and Order* established the requirement for requesting waiver of § 73.807 regarding second adjacent channel spacing. To be considered for a waiver, there must be an impending encroachment or displacement action from a full-service FM facility that would severely impact or curtail the LPFM's operation. KREV-LP's loss of its site does not meet the requirements set in the *Third Report and Order*. Therefore, KREV-LP has not provided enough justification that warrants waiver of the second-adjacent spacing rules.

¹ See *Creation of a Low Power Service*, Third Report and Order and Second Further Notice of Proposed Rulemaking, FCC 07-204 (rel. December 11, 2007) ("*Third Report and Order*").

Conclusion

Accordingly, in light of the above, the request for waiver of the second adjacent channel spacing rules IS DENIED and application BPL-20110914AAP being unacceptable for filing and IS HEREBY DISMISSED. This action is taken pursuant to Section 0.283 of the Commission's Rules.²

Sincerely,



Edna V. Prado
Supervisory Engineer
Audio Division
Media Bureau

² 47 C.F.R. § 0.283.